

REMARKS

Status of the claims:

Claims 1, 3-4, 7, 9-11, 13-14, and 16-26 are pending in the application. Claims 1, 3, 4, 10, 11, 13, 14, 17, 19-21, 23, and 26 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by United States Patent No. 6,280,126 to Slocum et al. (hereinafter "Slocum").

Claims 1, 7, 9, 11, 16-18, and 22 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by United States Patent No. 5,143,493 to Najima et al. (hereinafter "Najima").

Claims 1, 17, 24, and 25 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by World Intellectual Property Organization International Publication Number WO 01/98008 to Karlsson et al. (hereinafter "Karlsson").

Applicants respectfully but vigorously traverse the present rejections. Applicants respectfully point out that both Slocum and Najima have been previously cited as § 102(b) references in an Office Action dated August 25, 2005. Applicants accordingly responded to the rejections over both Slocum and Najima in a Response filed November 17, 2005, and as a result the Examiner withdrew the rejections of the claims under § 102(b) by Slocum and Najima. Further, Applicants note for the record that Slocum has been used as a secondary reference for a § 103(a) rejection, and has now been reverted back to a § 102 reference. Applicants submit that the claims have not been broaden since the initiation of prosecution, and such use of a previously considered reference is improper.

Applicants are displeased with the reintroduction of previously considered references and previously considered rejections that were resolved almost 2 years ago. This piecemeal examination has resulted in a greater delay in obtaining an issued patent for the Applicants, along

with increased costs for the Applicants in prosecuting the application. Applicants assert that this type of piecemeal examination should be avoided. See MPEP § 707.07(g).

Accordingly, Applicants submit that an immediate notice of allowance should be issued in the present application.

Interview Summary

Applicants' representatives thank the Examiner for discussing the state of the prosecution of the application. Applicants' representatives expressed Applicants' displeasure in the reintroduction of previously resolved rejections. The prosecution history and the rejections in the present Office Action were discussed. No agreement was reached.

Rejections under 35 U.S.C. § 102

The rejection of claims 1, 3, 4, 10, 11, 13, 14, 17, 19-21, 23, and 26 as allegedly being anticipated under 35 U.S.C. § 102(b) by Slocum is vigorously traversed.

Applicants submit that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner has failed to disclose each and every element set forth in the claims; therefore as a matter of law, the present claims are not anticipated under § 102(b).

Slocum does not teach a structured surface comprising a plurality of depressions. The Examiner states that Slocum contains a "plurality of depressions 21/26/27."¹ Applicants submit that 21/26/27 of Slocum refer to grooves, not depressions. Applicants assert that grooves and

¹ Office Action dated March 14, 2007, page 2, ¶ 5.

depressions are different types of structures.² Further, the Examiner has previously considered this limitation in the August 25, 2005 Office Action where the Examiner did not view that Slocum disclosed a plurality of depressions.³

The rejection of claims 1, 7, 9, 11, 16-18, and 22 as allegedly being anticipated under 35 U.S.C. § 102(b) by Najima is vigorously traversed.

The Examiner has failed to disclose each and every element set forth in the claims; therefore as a matter of law, the present claims are not anticipated under § 102(b). Najima does not disclose a second surface comprising a receiving surface. The Examiner has previously considered this limitation in the August 25, 2005 Office Action where the Examiner did not view that Najima disclosed a second surface comprising a receiving surface.⁴

The rejection of claims 1, 17, 24, and 25 as allegedly being anticipated under 35 U.S.C. § 102(b) by Karlsson is vigorously traversed.

The Examiner has failed to disclose each and every element set forth in the claims; therefore as a matter of law, the present claims are not anticipated under § 102(b). Karlsson does not teach a structured surface comprising a plurality of depressions. The Examiner states that Karlsson contains a “plurality of depressions 14/15.”⁵ Applicants submit that 14/15 of Slocum refer to recesses or grooves for chip release, not depressions. On page 1, line 9, Karlsson

² See Detailed Description, paragraphs [0029] and [0031] as well as elsewhere throughout the application and original claims.

³ See Office Action dated August 25, 2005, page 3. The Examiner rejected original claims 1-5, 8, and 10-14 under § 102(b) by Slocum. The Examiner did not reject under Slocum original claim 6 claiming the structured surface comprises a plurality of depressions. Applicants incorporated original claim 6 into the independent claims, and the Examiner withdrew the rejection. See Response dated November 17, 2005 and Office Action dated January 31, 2006.

⁴ See Office Action dated August 25, 2005, page 4. The Examiner rejected original claims 1, 6, 7, 11, and 15-16 under § 102(b) by Najima. The Examiner did not reject under Najima original claim 2 claiming the second surface comprises a receiving surface. Applicants incorporated original claim 2 into the independent claims, and the Examiner withdrew the rejection. See Response dated November 17, 2005 and Office Action dated January 31, 2006.

⁵ Office Action dated March 14, 2007, page 4, ¶ 14.

describes the one or more recesses serving as "grooves for chip releases." Karlsson does not disclose a plurality of depressions.

Applicants request that all the rejections be withdrawn as the cited references do not disclose each and every element of the present claims. Applicants believe that the present claims are in allowable form, and Applicants request a notice of allowance be immediately entered.

CONCLUSION


Each of the claims remaining in the application is in condition for immediate allowance. A passage of the instant invention to allowance is earnestly solicited.

Applicants believe that no additional fee is necessary, however, should a fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 16-1435.

Should the Examiner have any questions relating to the instant application, the Examiner is invited to telephone Dean Powell at (336) 607-7347 or Ben Schroeder at (336) 607-7486 (Registration No. 50,990) to discuss any issues.

Respectfully submitted,

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